

APPEAL NO. 041898  
FILED SEPTEMBER 22, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 6, 2004. The hearing officer resolved the disputed issue by deciding that the compensable injury sustained on \_\_\_\_\_, does not extend to include an injury to the cervical spine. The appellant (claimant) appealed, essentially on sufficiency of the evidence grounds. Although in his appeal, the claimant mistakenly identifies the issues heard at the CCH as whether the claimant sustained a compensable injury and had disability, the claimant also contended that the medical evidence established that he sustained a cervical spine injury. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable minor head injury on \_\_\_\_\_. At issue was whether the compensable injury extended to include an injury to the cervical spine. The extent-of-injury issue presented a question of fact for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co. of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer noted that the claimant failed to prove that he sustained damage or harm to the physical structure of his cervical spine in the course and scope of employment and further, that the medical evidence was insufficient to establish a causal relationship between the claimant's claimed injury to his cervical spine and the compensable minor head injury sustained on \_\_\_\_\_. The hearing officer was acting within her province as the fact finder in making these determinations. Nothing in our review of the record reveals that the hearing officer's extent-of-injury determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **WEST TEXAS EDUCATIONAL INSURANCE ASSOCIATION** and the name and address of its registered agent for service of process is

**WESLEY SLADE  
CLAIMS ADMINISTRATIVE SERVICES  
501 SHELLY DRIVE  
TYLER, TEXAS 75711.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge